

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
CTIA Petition for Declaratory Ruling)	CC Docket No. 95-116
That Wireline Carriers must provide)	
Portability to Wireless Carriers Operating)	
within their Service Areas)	

To: The Federal Communications Commission

**COMMENTS OF THE TEXAS COMMISSION ON STATE EMERGENCY
COMMUNICATIONS AND TEXAS EMERGENCY COMMUNICATION DISTRICTS**

The Texas Commission on State Emergency Communications (“TX-CSEC”) and certain Texas Emergency Communication Districts, hereinafter referred to collectively as the “Texas 9-1-1 Agencies,”¹ file these brief initial comments in response to the January 3, 2003, public notice seeking comments on the Cellular Telecommunications & Internet Association (“CTIA”) Petition for Declaratory Ruling.

¹ TX-CSEC is a state agency created pursuant to Texas Health and Safety Code Chapter 771. The Texas Emergency Communication Districts are Bexar Metro 9-1-1 Network, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, DENCO Area 9-1-1 District, Emergency Communications District of Ector County, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr County Emergency 9-1-1 Network, Lubbock County Emergency Communication District, McLennan County Emergency Communication District, Medina County 9-1-1 District, Midland Emergency Communications District, Montgomery County Emergency Communication District, Wichita-Wilbarger 9-1-1 District, Potter-Randall County Emergency Communication District, Smith County 9-1-1 Communications District, and Texas Eastern 9-1-1 Network. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

The CTIA petition requests the FCC to rule that wireline carriers are obligated to provide portability of their customers' telephone numbers to Commercial Mobile Radio Service (CMRS or wireless) providers whose service areas overlap the wireline carriers' rate centers.² The Texas 9-1-1 Agencies do not currently believe wireless E9-1-1 issues, including wireless E9-1-1 service delivery issues, are associated with the relief requested in the CTIA petition.³ The Texas 9-1-1 Agencies, however, respectfully submit that any grant of the relief requested by the CTIA petition must be clear, specific and does not authorize any wireline carriers to ignore or fail to adhere to existing rate center(s), 9-1-1 tandem(s) and/or 9-1-1 database(s) constraints needed to maintain proper E9-1-1 services in a local number portability environment for wireline 9-1-1 services. While porting a wireline carrier telephone number to a wireless carrier outside the constraints of the rate center(s), 9-1-1 tandem(s), and 9-1-1 database(s) may be feasible, porting that same telephone number back to a wireline carrier or between wireline carriers must still abide by the existing rate center(s), 9-1-1 tandem(s) and/or 9-1-1 database(s) constraints needed to maintain proper E9-1-1 services in a local number portability environment for wireline E9-1-1 services.

CONCLUSION

The Texas 9-1-1 Agencies appreciate the opportunity to submit these initial comments. The Texas 9-1-1 Agencies respectfully urge the Commission to ensure that any grant of the relief requested by the CTIA petition must be clear, specific and does not authorize any wireline

² See, Docket No. 95-116, January 23, 2003 Public Notice at p. 1. CTIA contends that some wireline carriers have narrowly construed the number portability obligations with regard to CMRS providers, taking the position that portability is required only where the CMRS providers have an established presence in the landline rate center where customers seek to port numbers from wireline to CMRS providers. Id.

³ Wireless E9-1-1 Phase I and Phase II services in accordance with the FCC rules from CC Docket No. 94-102 should not be adversely impacted by granting the CTIA petition. The Texas

carrier to ignore or fail to adhere to existing rate center(s), 9-1-1 tandem(s) and/or 9-1-1 database(s) constraints needed to maintain proper E9-1-1 services in a local number portability environment for wireline E9-1-1 services.

Respectfully submitted,

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Certificate of Service

I certify that a copy of these comments is being served on February 26, 2003 by regular or overnight mail or fax on the required parties.

Richard A. Muscat.

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9-1-1 Agencies trust the FCC to require CTIA and any other proponents of the relief requested to demonstrate this for the record prior to any grant of the relief requested by CTIA